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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

American Industrial Supply, Inc.,
Plaintiff,

v.

United States of America,
Defendant.

NO. CV 10-00958 SJO (FMOx)

JUDGMENT

After due consideration, the Court concludes that there was no genuine issue as to any material fact to Defendant United States of America's ("Defendant"), Motion for Summary Judgment ("Motion"). Based on the Complaint and Answer filed by the parties, on the pleadings filed in connection with the motion, including Defendant's Request for Judicial Notice, and on all matters that are properly part of the record in this Motion,

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1 IT IS ORDERED, ADJUDGED, and DECREED that Plaintiff American Industrial Supply,
2 Inc. take nothing by its Complaint and claim for refund of payroll tax penalties assessed by
3 Defendant for the fourth quarter of 1998.

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5 IT IS SO ORDERED.

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7 Dated this 11 day of February, 2011.

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S. JAMES OTERO
UNITED STATES DISTRICT JUDGE
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